

SP/2785

PATENT

Attorney Docket No.: 15358-24US



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Assistant Commissioner for Patents
Washington, D.C. 20231

On October 5, 1999

TOWNSEND and TOWNSEND and CREW LLP

By: Erica L. Canonizado

Erica L. Canonizado

#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SCHWARTZ et al.

Patent No.: 5,675,645

Issued: October 7, 1997

Application No.: 08/423,402

Filed: April 18, 1995

For: METHOD AND APPARATUS FOR
SECURING EXECUTABLE
PROGRAMS AGAINST COPYING

Examiner: Unassigned

Art Unit: 2785

**RESPONSE TO INAPPROPRIATELY
ISSUED OFFICE ACTION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The Patent Office issued an Office Action on September 8, 1999 for Application No. 08/423,402 (now U.S. Patent No. 5,675,645). Applicant respectfully requests that the Office Action be withdrawn since it is inappropriate to issue an Office Action in an application that has already issued. Furthermore, Applicant notes that the Office Action rejected all the supposedly pending claims as being double patenting in view of U.S. Patent No. 5,675,645, which is in fact the patent that issued from this application.

One possible explanation for this Office Action is that the Patent Office has recovered a file that was lost during the prosecution of this application. During prosecution, when the Patent Office file for this application could not be found, the file was reconstructed from Applicant's files. Prosecution then continued with the reconstructed file, and a patent issued on October 7, 1997. Consequently, the newly found file associated with the most recent

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Office Action should be consolidated with the reconstructed file having the same serial number.

Any questions relating to this matter should be directed to the undersigned at 415-576-0200 and we look forward to receiving confirmation from the Patent Office that the Office Action has been withdrawn.

Respectfully submitted,

10/5/99
Date


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